



NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:
ROBERT DAVOODI,
Debtor.

Case No. 2:15-bk-17368-RK
Chapter 7

**ORDER ON DEBTOR'S MOTION TO
REOPEN CHAPTER 7 CASE**

Date: August 30, 2016
Time: 2:30 p.m.
Place: Courtroom 1675
Roybal Federal Building
255 East Temple Street
Los Angeles, CA 90012

Pending before the court is the motion ("Motion") to reopen the above-captioned Chapter 7 bankruptcy case of Debtor Robert Davoodi ("Debtor"), ECF 13, filed on August 5, 2016 through his counsel of record, Aris Artounians, for the purpose of amending his schedules as to a previously undisclosed pre-petition personal injury claim. The Motion was noticed for hearing on August 30, 2016 at 2:30 p.m. No opposition was filed to the Motion.

The court, having reviewed the Motion, determines that pursuant to Local Bankruptcy Rules 5010-1(e) and 9013-1(q), a hearing on the Motion is not required, nor necessary, takes the Motion under submission, vacates the August 30, 2016 hearing on the Motion as improvidently noticed by Debtor, and rules as follows on the Motion.

1 The court determines that the Motion to reopen should be granted “to administer
2 assets” under 11 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010 for the
3 reasons stated in the moving papers, that is, for the purpose of allowing Debtor to amend
4 his schedules to reflect the previously undisclosed pre-petition personal injury claim,
5 which is an asset of the estate and may result in a payment to the estate. *See also*, 4
6 March, Ahart and Shapiro, *California Practice Guide: Bankruptcy*, ¶ 23:151 at 23-19
7 (2015), *citing, inter alia, In re Menk*, 241 B.R. 896, 913 (9th Cir. BAP 1999) (“[T]he
8 reopening of a closed bankruptcy case is a ministerial act that functions primarily to
9 enable the file to be managed by the clerk as an active matter and that, by itself, lacks
10 independent legal significance and determines nothing with respect to the merits of the
11 case.”).

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1) Debtor’s Motion to reopen his above-captioned Chapter 7 bankruptcy case
14 is GRANTED pursuant to 11 U.S.C. § 350(b), Federal Rule of Bankruptcy
15 Procedure 5010, and Local Bankruptcy Rules 5010-1 and 9013-1(q), and
16 the bankruptcy case is ordered reopened.
- 17 3) The court directs the United States Trustee to reappoint a Chapter 7
18 Trustee to insure the efficient administration of the case.
- 19 2) The hearing on the Motion to reopen set for August 30, 2016 at 2:30 p.m. is
20 VACATED and TAKEN OFF CALENDAR. No appearances are required at
21 the August 30, 2016 hearing on the Motion.
- 22 3) Although the court grants the Motion, the court observes that Debtor’s
23 counsel, Aris Artounians, who filed the Motion on Debtor’s behalf, acted
24 contrary to Local Bankruptcy Rule 5010-1(e) by calendaring a hearing date
25 for the Motion without prior court authorization, which expressly provides
26 that, “A motion to reopen may be ruled on without a hearing pursuant to
27 LBR 9013-1(q). The movant must not calendar a hearing date nor will a
28 hearing be held on the motion, unless otherwise ordered by the court.” The

1 court strongly urges Aris Artounians to read and re-read the Local
2 Bankruptcy Rules and, in particular, Local Bankruptcy Rule 5010-1, until he
3 is thoroughly familiar with them. Counsel should use the time that he would
4 have spent coming to court for the improvidently noticed hearing to read the
5 Local Bankruptcy Rules so that this situation will not happen again.

6 **IT IS SO ORDERED.**

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23 Date: August 24, 2016



24 _____
25 Robert Kwan
26 United States Bankruptcy Judge
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